IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE GHULAM MOHAMMED**

**WRIT PETITION NO : 10190 of 1994**

Between:

Bommana Pydikumar,

S/o.Subbarao, 38 years,

Employer-Bommana Silk Mandir,

4th lane, Brodipet, Guntur,

Guntur District.

**..... PETITIONER**

AND

1. The Authority under Minimum Wages Act, 1948

and Assistant Commissioner of Labour,

2nd circle, Guntur.

2. Assistant Labour Officer and Inspector

under Minimum Wages Act, 1948,

Guntur.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, particularly one in the nature of Writ of Certiorari calling for the records relating to order dated 15-10-1993 passed in M.W.Case No.142/1993 on the file of 1st respondent and quash the same.

**For the Petitioner :MR.M.PANDURANGA RAO, Advocate**

**For the Respondents : GP FOR LABOUR**

**The Court Made the Following :**

**THE HON'BLE MR JUSTICE GHULAM MOHAMMED**

**WRIT PETITION NO : 10190 of 1994**

**ORDER:**

This writ petition is filed against the order dated 15-10-1993 passed in M.W.Case No.142 of 1993 by the 1st respondent to quash the same as illegal and arbitrary.

By the impugned order, the 1st respondent directed the petitioner to pay an amount of Rs.26010-01ps as differential wages and Rs.26,010/- as compensation, totaling to Rs.52,020/-. The only contention alleged by the learned counsel for the petitioner is that the impugned order is an *ex parte* order and no opportunity was given to the petitioner to put forth his case.

On perusal of the impugned order, it is clear that the petitioner was set *ex parte*. To meet the ends of justice, this Court feels it expedient that the petitioner be given an opportunity to represent his case.

In the circumstances, the impugned order is set aside and the matter is remanded to the file of the 1st respondent to consider the same afresh after giving opportunity to the petitioner and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. It shall be incumbent upon the petitioner to participate in the proceedings and put forth his case without taking any adjournments. The interim stay granted by this Court shall continue till then.

In the result, the writ petition is allowed. No costs.

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KVR/NRG 1st July, 2004

To

1. The Authority under Minimum Wages Act, 1948
and Assistant Commissioner of Labour,
2nd circle, Guntur.
2. Assistant Labour Officer and Inspector
under Minimum Wages Act, 1948,
Guntur.
3. Two C.Cs to the G.P. for Labour, AP High Court
Buildings, High Court of A.P., Hyderabad (O.U.T.)
4. Two C.D.Copies.